

ASSEMBLY BILL

No. 55

Introduced by Assembly Member Shelley

December 4, 2000

An act to add Division 4.5 (commencing with Section 4500) to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 55, as introduced, Shelley. Elections: voting modernization.

Existing law provides for voting at polling places, by absentee ballot, and in mail ballot elections.

This bill would require the Secretary of State to provide assistance to selected counties to modernize the counties' voting process. The bill would require the Secretary of State to develop criteria to be used to evaluate county requests for modernization assistance. The bill would require the Secretary of State to submit county requests for modernization assistance to the Voting Modernization Commission, created by the bill, and would require the commission to consider and evaluate each request using the criteria developed by the Secretary of State and to submit its recommendations to the Secretary of State for appropriate action.

This bill would require the Secretary of State, in conjunction with the Governor's office, to establish a statewide voter education media campaign, provided that funds are appropriated expressly for this purpose.

This bill would state the intent of the Legislature to enact legislation to codify uniform recount guidelines, require notification to voters whose absentee ballot is not counted, reform the current "motor voter"

process, and establish a mechanism to implement complete mandatory voter file maintenance in counties.

This bill would establish an Online Voting Program under the direction of the Secretary of State. The program would ensure that the use of an online voting system is viable, accurate, secure, fair, effective, and accepted by the public as a supplementary method of voting in local elections held in whole or in part within a participating county. The program would allow voters to engage in online voting using a computer at any one of various county-controlled polling places within the participating county. This bill would require the Secretary of State to authorize counties to participate in the program in accordance with criteria developed by the Secretary of State. The bill would provide that participation by an authorized county in the program is voluntary and subject to approval by the county's board of supervisors.

This bill would require the Secretary of State to establish standards for online voting systems for purposes of the program, certify an online voting system for use by an authorized county, and develop procedures for online voting under the program.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 4.5 (commencing with Section 4500)
2 is added to the Elections Code, to read:

3
4 DIVISION 4.5. VOTING MODERNIZATION

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6 CHAPTER 1. THE VOTING MODERNIZATION ACT

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8 4500. The Legislature finds and declares all of the following:

9 (a) The modernization of voting methods in California can
10 increase both the accuracy and accessibility of our electoral
11 process.

12 (b) To modernize our voting technology, the state should create
13 a capital outlay fund to assist counties to purchase updated voting
14 technology.

15 (c) To further improve voter participation, greater outreach and
16 education is needed on the rules and guidelines of the voting
17 process.



1 (d) The state should provide funds to conduct a comprehensive
2 voter education campaign.

3 4505. (a) The Secretary of State shall provide assistance to
4 selected counties to modernize the counties' voting process.

5 (b) To be eligible for consideration and assistance, counties
6 may submit requests for modernization funds directly to the
7 Secretary of State. Participation by a county is voluntary.

8 (c) The Secretary of State shall develop criteria to be used to
9 evaluate county requests for modernization assistance. The
10 criteria shall include, but not be limited to, the need for reduction
11 or elimination of punch card ballots, the need for greater access to,
12 and accuracy of, the electoral process, and the willingness and
13 ability of the county to provide online voting.

14 (d) The Secretary of State shall submit county requests for
15 modernization assistance to the Voting Modernization
16 Commission established by Section 4510. The commission shall
17 consider and evaluate each request using the criteria developed by
18 the Secretary of State pursuant to subdivision (c) and submit its
19 recommendations to the Secretary of State for appropriate action.

20 4510. The Voting Modernization Commission is hereby
21 established, consisting of seven members. Three members of the
22 commission shall be appointed by the Governor and shall be
23 representative of southern, northern, and rural geographical areas
24 of the state. Two members of the commission shall be appointed
25 by the Speaker of the Assembly, and two members shall be
26 appointed by the President pro Tempore of the Senate. The
27 commission shall consist of members who are representative of a
28 broad demographic spectrum indicative of the state's electorate.

29 4515. The Secretary of State, in conjunction with the
30 Governor's office, shall establish a statewide voter education
31 media campaign. The Secretary of State shall not expend any
32 funds to establish this media campaign unless funds are
33 appropriated expressly for the purposes of this section. No
34 governmental or elected official shall appear, or be referenced, in
35 the voter education campaign.

36 4520. It is the intent of the Legislature to enact legislation to
37 codify uniform recount guidelines, require notification to voters
38 whose absentee ballot is not counted, reform the current "motor
39 voter" process, and establish a mechanism to implement complete
40 mandatory voter file maintenance in counties.

CHAPTER 2. ONLINE VOTING PROGRAM

4600. The Legislature finds and declares all of the following:
(a) The use of modern electronic voting methods should be explored to help increase participation in the electoral process.

(b) Online voting can help achieve this goal, provided that standards and practices can be developed that will prevent misuse of an online voting system.

(c) Secure online voting in a polling place may be used as the first step to eventually achieve the goal of secure online voting from a remote location.

(d) Issues such as the “digital divide,” voting fraud, integrity of the system, ballot security, and secrecy of balloting, among other matters, should be addressed.

(e) In deciding the method to implement online voting, the Secretary of State and other elections officials should make every effort to eliminate barriers to participation by voters who are members of demographic groups that have traditionally suffered from a lack of exposure and access to computers, the Internet, and other forms of new technology.

4602. As used in this division:

(a) “Online voting” means the casting of a secure and secret electronic ballot that is transmitted online to elections officials.

(b) “Online voting system” means an election system certified for use by the Secretary of State that uses electronic balloting to allow voters to transmit their voted election ballots online to elections officials.

(c) “Program” means the Online Voting Program authorized by this division.

4604. (a) An Online Voting Program shall be established under the direction of the Secretary of State. The program shall ensure that the use of an online voting system is viable, accurate, secure, fair, effective, and accepted by the public as a supplementary method of voting in local elections held in whole or in part within a participating county.

(b) The program shall allow voters to engage in online voting by using a computer at any one of various county-controlled polling places within the participating county. The online voting system shall supplement, and not replace, the voting system in place in the participating counties.

1 4606. (a) The Secretary of State shall authorize counties to
2 participate in the program. Authorization shall be based on criteria
3 developed by the Secretary of State.

4 (b) Participation by an authorized county in the program is
5 voluntary and subject to approval by the board of supervisors of
6 that county.

7 4608. (a) The Secretary of State shall establish standards for
8 online voting systems for purposes of the program. The standards
9 shall conform with current federal and state law, include standards
10 applicable to all currently certified voting systems, and ensure the
11 accuracy, security, integrity, and usability of online voting. The
12 Secretary of State shall certify an online voting system for use by
13 an authorized county based on a determination that the online
14 voting system meets these standards.

15 (b) The Secretary of State shall develop procedures for online
16 voting under the program.

